

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighteenth Judicial District Court, County of Gallatin

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-14-071
)	
)	D E C I S I O N
KEVIN ANTHONY BRIGGS,)	
)	
Defendant.)	

On January 19, 2016, the District Court sentenced the Defendant as follows:

Count I: Aggravated Assault, a Felony - Twenty (20) years to the Montana State Prison;
Count II: Sexual Assault, a Misdemeanor - Six (6) months to the Gallatin Count Detention Center;
Count III: Assault on a Peace Officer, a Felony - Ten (10) years to the Montana State Prison;
Count IV: Escape, a Misdemeanor - Six (6) months to the Gallatin County Detention Center; and,
Count V: Criminal Possession of Dangerous Drugs, a Felony - Five (5) years to the Montana State Prison.

The Court ordered the sentences for Counts I, III and V be served consecutively and Counts II and IV be served consecutively to each other, but concurrently with Counts I, III and V. The Court ordered a 20-year parole restriction and an order prohibiting contact with the victim by any means. The Court granted the Defendant credit for time served in the amount of 698 days.

On May 3, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was represented by Gallatin County Attorney Marty Lambert. The Defendant gave an initial and a rebuttal statement. Also present for the hearing were the Defendant's father, Charles Briggs, and his mother, Kathleen Ely, who both gave statements. The Defendant's brother and sister-in-law, James and Kim Meismer also attended the hearing.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 3rd day of May, 2019.

DATED this 30th day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4th day
of June, 2019, to:

Clerk of District Court (Original)
Kevin Anthony Briggs #2060493, Defendant (2)
Hon. Rienne H. McElyea
Brent Getty, Defense Counsel
Martin Lambert, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Judicial Assistant
Sentence Review Division